

Serial No.: 10/804,885, filed March 18, 2004
Docket No.: 1140668-0061
Page 8 of 11

RECEIVED
CENTRAL FAX CENTER

MAR 29 2007

REMARKS/ARGUMENTS

I. STATUS OF THE PENDING CLAIMS

Claims 11-23, 25-31, 33, 34 and 36-39 are pending in the present application. Claims 11-23, 25-31, 33, 34 and 36-39 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,514,440 to Kazmer et al. ("Kazmer").

Applicants respectfully traverse the rejections and request reconsideration of pending claims 11-23, 25-31, 33, 34 and 36-39.

II. SUMMARY OF PROSECUTION HISTORY

After twice rejecting the present application over U.S. Patent 5,470,218 to Hillman et al., the rejection was withdrawn in an Office Action dated July 11, 2006. The July 11, 2006 Office Action rejected the pending claims only under 35 U.S.C. § 112 and indicated that at least some of the claims would be allowable if rewritten or amended to overcome the § 112 rejection. In an amendment filed on October 11, 2006, Applicants amended the claims to overcome the § 112 rejection. The most recent Office Action, however, now rejects all pending claims under Kazmer, a reference never before cited yet which issued more than one year prior to the filing of the present application.

III. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 11-23, 25-31, 33, 34 and 36-39 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Kazmer. Applicants respectfully submit that these rejections are traversed on the basis of the following arguments,

A rejection of claims as anticipated under 35 U.S.C. § 102(b) requires a showing that the applied reference identically discloses each and every claim limitation. If even one claim limitation is not disclosed in the reference, the claim is patentable over the reference.

Serial No.: 10/804,885, filed March 18, 2004

Docket No.: 1140668-0061

Page 9 of 11

All pending claims relate to methods and systems for monitoring and controlling an injection-molding process. Each of independent claims 11, 18, 25, 31 and 38 include limitations directed towards *determining* at least one setpoint value based on evaluated transmitted actual values. In addition, claims 11 and 38 also include limitations directed towards *transmitting* the at least one setpoint value to a control from a computer.

Nothing in Kazmer teaches or suggests either of these limitations. Rather, Kazmer merely relates to a control system that apparently compares detected pressure values to stored target pressure values and adjusts the pressures accordingly. The tracking of pressure variations to an already existing pressure profile does not and cannot disclose the *determination* of a setpoint value based on evaluated actual values. Moreover, in Kazmer, no setpoint values are transmitted from the CPU to the controller. Instead, the CPU apparently instructs the controller to make appropriate adjustments to a valve pin, based on an already created pressure profile.

Claims 12 and 18 both include limitations directed towards (i) receiving, at a computer, input from an operator, and (ii) sending that input to a control, or receiving that input at a computer, virtually *in parallel* with the execution of the monitoring process. Similarly, claims 13 includes limitations directed towards (a) receiving, at a computer, an output from a control, and (b) sending that output to an operator virtually *in parallel* with the execution of the monitoring process. Claim 33, likewise, includes the step of sending an output from a control to an operator virtually *in parallel* with the execution of the monitoring process.

Nothing in Kazmer discloses any of these limitations. Instead, the Office Action cites to a passage purportedly relating to the creation of a new profile, or the editing of an existing profile, by a user. Nowhere is the suggestion made that the creation or editing of a profile by a user is implemented *in parallel* with the execution of any monitoring process. Moreover, the creation or editing of a profile does not teach or suggest that a computer sent the user an output received at the computer from a control, or that a control sent the user an output directly.

Claims 14, 15 and 22 each include limitations directed towards computers or computer programs operating under a *non-real-time operating system*. Kazmer does not disclose these limitations. The passages of Kazmer cited by the Office Action merely refer to a user-interface

Serial No.: 10/804,885, filed March 18, 2004
Docket No.: 1140668-0061
Page 10 of 11

RECEIVED
CENTRAL FAX CENTER

MAR 29 2007

for entering and editing profiles. The Examiner has not demonstrated where Kazmer describes operating systems with non-real-time capabilities.

Claims 16 includes limitations directed towards (1) a control comprising a *software process*, (2) a software process executed by a computer running a *real-time* operating system, and (3) a software process executing virtually *in parallel* with transmitting actual values acquired by a control to a computer for monitoring. Similarly, claims 19, 23 and 28 include limitations directed towards receiving transmitted values in *real-time*, a control comprising a *real-time* operating system, and computer programs executed under an operating system having *real-time* capability.

Kazmer does not teach or suggest the execution of control functionality as a software process, an operating system with real-time capabilities or executing a software process virtually in parallel with transmitting actual values. Instead, the Office Action cites to a passage of Kazmer apparently relating to a user observing the tracking of detected pressure versus a target pressure and fails to adequately explain how this discloses any of the above-referenced limitations.

For these reasons, claims 11-23, 25-31, 33, 34 and 36-39 are respectfully submitted to recite allowable subject matter.

CONCLUSION

Claims 11-23, 25-31, 33-34 and 36-39 are pending in the Application. Applicants submit that these pending claims, for the reasons set forth above, recite patentable subject matter and are in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

Serial No.: 10/804,885, filed March 18, 2004

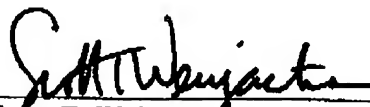
Docket No.: 1140668-0061

Page 11 of 11

The Commissioner is authorized to charge any required fee to Deposit Account No. 23-1703.

Dated: March 29, 2007

Respectfully submitted,



Scott T. Weingaertner

Reg. No. 37,756

Attorney for Applicants

Customer No. 007470

White & Case LLP

Direct Line: (212) 819-8404